

Remarks:

Claims 21-26 remain for consideration in this application, with all claims 21-26 being in independent format. Claim 27 was previously withdrawn and claims 1-20 were previously cancelled. All pending claims remain unchanged from the amendment filed with the RCE on September 5, 2008. However, all markings showing the amendments made in the previous response have been removed from the claims and the claim identifiers have been changed from “currently amended” to “previously presented.”

An Interview Summary regarding the personal interview that took place on September 8, 2008 was mailed on October 2, 2008. As a part of that Interview Summary, Applicants were required to provide a statement of the substance of the interview. To begin, Applicants concur with the summary of the interview provided in the Interview Summary. As further substance, Applicants arguments centered on the fact that a combination of the two references, Rossow et. al. and Moormann et. al. would not have resulted in the claimed invention. In the Action, it was alleged that Rossow described the deposited virus VR 2332 and Moormann described making DNA clones that have copies of infectious viruses. Such a combination could not have produced the invention now claimed because Moorman only described making clones using cells that were susceptible to infection. Such a method did not work for the presently-claimed invention and a novel method of cloning using non-susceptible cells needed to be developed. Furthermore, as noted in Applicants’ last response and the specification of the present application, it was not possible to generate infectious clones for positive strand RNA viruses greater than about 12kb (see page 3, first full paragraph). As noted on page 24 in the last paragraph, the infectious clone of the present invention is the longest infectious clone ever developed or a positive strand RNA virus and the first of the arterivirus family. In the last Response and Amendment, Applicants amended the claims to specify that the polynucleotide of the present invention was at least 15kb in length. Thus, in addition to showing that the combination of Rossow and Moorman could not have produced the presently-claimed invention, the present claims were amended to specify a polynucleotide length that was previously unachievable using the methods of the prior art. Accordingly, Applicants respectfully assert that the obviousness rejection presented in the last Office action has been overcome.

Applicants would like to thank the Examiner for the time and courtesies extended during the personal interview. Applicants believe that the statements herein are consistent with the discussions that took place in the interview. If any questions remain, the Examiner is encouraged to contact the undersigned at 816-572-4604.

In view of the foregoing, the claims as they stand appear to be allowable over the prior art, and thus, a Notice of Allowance appears to be in order and is courteously solicited. Any additional fee due in connection with this Supplementary Response and Statement of the Substance of the Interview should be applied against our Deposit Account No. 50-1662.

Respectfully submitted,

By /Tracey Truitt/

Tracey S. Truitt, Reg. No. 43,205

Polsinelli Shalton Flanigan Suelthaus PC

700 W. 47th St., Suite 1000

Kansas City, MO 64112